

RICHES, MCKENZIE & HERBERT LLP
1800 - 2 Bloor St. East
TORONTO Ontario
M4W 3J5



March 13, 2006

Application No. : 2,458,317
Owner : DISCOVERY COMMUNICATIONS, INC.
**Title : ELECTRONIC BOOK SELECTION AND DELIVERY SYSTEM
HAVING ENCRYPTION AND SECURITY FEATURES**
Classification : H04N 7/173 (2006.01)
Your File No. : P17504
Examiner : Bryon Braymore

YOU ARE HEREBY NOTIFIED OF :

- A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*;
- A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SECTION 29 OF THE *PATENT RULES*.

IN ORDER TO AVOID **MULTIPLE ABANDONMENTS** UNDER PARAGRAPH 73(1)(A) OF THE *PATENT ACT*, A WRITTEN REPLY TO EACH REQUISITION MUST BE RECEIVED WITHIN **6** MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account applicant's correspondence received in this office on April 15, 2004.

The number of claims in this application is 22.

The search of the prior art has revealed the following:

References Applied:

United States Patents

4,855,725 □ Aug. 8, 1989
4,829,569 □ May 9, 1989

US Cl. 345/173
US Cl. 380/234

FERNANDEZ
SETH-SMITH et al.

□ citation stemming from the prosecution of the corresponding US application 2002/0040472.

FERNANDEZ discloses a user interactive mass storage data access system that includes a personal computer and a simulated book. The simulated book includes a display screen and a microprocessor with memory. The microprocessor is programmed for storing data received and decoded by its IR transceiver in memory and responsive to user input for displaying a page of data on the display screen.

SETH-SMITH et al. disclose a subscription television system in which individual decoders are enabled to receive individually addressed messages. In a preferred embodiment, both address packets and teletext are encrypted. The addressed packet is decrypted using a decoder-specific code and a system key transmitted as part of the system control data, while the teletext packet is decrypted using the system key, but cannot be received until the addressed packet has been decrypted. Therefore, redundant levels of security are provided to the system.

Obviousness

Claims 1-3, and 12-14 of the instant application recite a method or system for restricting access to electronic books, comprising: a menu for selecting books, storage for storing encrypted books, retrieval means for retrieving the books, and decryption means for decrypting the encrypted books using a unique key. SETH-SMITH et al. disclose a system for transmitting a video and teletext signals where the signal is encrypted by the broadcaster and is partially decrypted by a subscriber using a cipher key associated with the subscriber (Description: column 6, lines 23-64). In addition, the subscriber has the ability to select content of interest from a menu-driven interface (Description: column 12, lines 46-57).

Claims 4-6, 11, 15-17, and 22 of the instant application recite a method or system for restricting access to electronic books on a portable viewer, comprising: memory for storing an electronic book, a menu for selecting the electronic book, an identifier for associating the electronic book with a unique viewer, and means for restricting access to the unique viewer using the identifier. FERNANDEZ discloses a system comprising a computer and a plurality of portable electronic books with memory for storing book pages where each book is identified by a unique code number that is used by the computer to encode, transmit, and decode electronic books appropriately (Description: column 4, lines 5-25; column 9, lines 24-42).

Claims 7-10, and 18-21 of the instant application recite a method or system for restricting access to electronic books on a portable viewer, comprising: memory for storing an electronic book, means for associating a time parameter with the book, and means for deleting the book when the time parameter expires. The system disclosed by SETH-SMITH et al. also comprises a provision for limiting access to content based on a time period and the ability of the broadcaster to modify subscriber memory (Description: column 23, lines 42-65; column 24, lines 28-49).

Therefore, the claims on file do not comply with section 28.3 of the *Patent Act*. The subject matter of claims 1-3, 7-10, 12-14, and 18-21 would have been obvious having regard to SETH-SMITH et al. and in light of the general common knowledge in the art. The remaining claims 4-6, 11, 15-17, and 22 are obvious having regard to and FERNANDEZ and in light of the general common knowledge in the art.

Furthermore, minor differences between the aforementioned cited reference and the instant application are considered to be inconsequential and do not constitute a patentable distinction from the prior art.

Drawing Informalities

The drawings must be amended to comply with section 141 of the *Patent Rules*. The same reference character must be used for the same part in different figures, and must not be used to designate different parts.

Page 6, line 28 refers to "the system 200" pertaining to the electronic book and delivery system shown in both Figures 1 and 2. The reference character 200 in either Figure 1 or 2 should be changed to distinguish between a text delivery system which includes an encoder, video distribution system, connector, and text selector (figure 1) from one that additionally includes billing collections, publishers, and an operations center.

Typographical Errors

On page 4a, line 22 of the description the term "an submenus" should be "and submenus".

On page 9, line 21 of the description the reference character 200 should be 301.

On page 12, line 34 and page 13, line 2 of the description the reference character 602 is used to indicate both high resolution viewing area and a power supply circuit.

On page 13, line 12 of the description the reference character 600 should be 600'

On page 33, line 10 of the description the reference character 601 is used twice where it should be used once.

On page 33, line 16 of the description refers to a "small portable viewer 266", however, on page 8, line 9 the reference character is used to indicate a "viewer unit". For clarity, either the "small portable" should be removed, or a reference character other than 266 should be used.

On page 33, line 24 of the description the sentence that reads "Important text that the public desires immediate access may be made available ..." should read "Important text that the public desires immediate access may be made available ...".

On page 38, line 9 of the description the reference characters 1080 and 1028 should be changed to 1072 and 1080, respectively.

Figure 15 depicts a "library converter 908" where it should depict a "library controller 908".

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Section 29 of the Patent Rules requisition

Under section 29 of the *Patent Rules*, the applicant is requisitioned to provide:

- an identification of any prior art cited in respect of the United States Patent and Trademark Office application 2002/0040472 describing the same invention on behalf of the applicant or on behalf of any other person claiming under an inventor named in the present application, and the patent number, if granted, under paragraphs 29(1)(a) and 29(1)(b) of the *Patent Rules*;
- particulars of conflict, opposition, re-examination or similar proceedings, affecting this application, under paragraph 29(1)(c) of the *Patent Rules*.

To satisfy this requisition, applicant should provide all the preceding information or documents, or provide in accordance with subsection 29(3) of the *Patent Rules* a statement of reasons why any information or document is not available or known.

It is noted that the corresponding European Patent Office application has issued to patent 732,027.

Bryon Braymore
Patent Examiner
(819) 934-6753

2458317A.beb